vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1603 OF 2005
IN
SUIT NO.2517 OF 2002

Sharada Balakrishna Gundu ... Plaintiff

V/s.

Chandrakala Balkrishna & Ors. ... Defendants

Mr.S.J. Chaurasia for Plaintiff
Ms.Sheetal M. Kumar for Defendant No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 30, 2006**

P.C.:

. The Plaintiff seeks setting aside of the order passed on 3.5.2005. By this order, this Court directed the Court Receiver to take possession of the suit premises since the plaintiff had illegally inducted a third party in the suit premises. The Plaintiff was appointed an agent of the Court Receiver without security and royalty by order of this Court on 3.8.2002. The order was then confirmed by the Division Bench.

2. This Court directed the Court Receiver to take possession of the suit premises, since the Plaintiff had inducted some other persons in these residential premises. It appears that even when the Court Receiver sought to take possession of the suit premises on 3.6.2005, a third person was found to be conducting business in the suit premises. Admittedly the premises

are residential premises. The Plaintiff obviously has therefore, flouted the orders of this Court. The property is *custodia legis*. The Plaintiff has not made out a case for setting aside the order dated 3.5.2005.

3. Motion is accordingly dismissed.